IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 9379 of 2004

Between:

1 Balina Narasimha Rao S/o. Venkata Rao
Kammapalem, Ongole Prakasam Dist
2 Uppalapati Anjaiah S/o.Venkateswarlu
Throvagunta Village Prakasam Dist
3 Balinas Varaprasad S/o.Narasimham
Kammapalem, Ongole Prakasam Dist
4 Nalluri Venkateswarlu S/o. Seetharamaiah
Throvagunta Village Prakasam Dist
5 Kalluri Sarada W/o.Anjibabu
Kammapalem, Ongole Prakasam Dist
6 Kalluri Laxmaiah S/o. Narasaiah
Kammapalem, Ongole Prakasam Dist
7 Ballaneni Koteswara Rao S/o. Venkata Narasaiah
Kammapalem, Ongole Prakasam Dist
8 Mannam Samrajyam W/o.Venkateswarlu
Kammapalem, Ongole Prakasam Dist
9 Sasyyapu Anjaneyulu S/o. Brahmaiah
Kammapalem, Ongole Prakasam Dist
10 Komatineni Ramanjaneyulu S/o. Rathaiah
Naidupet Village, Maddipadu Mandal, Prakasam Dist
11 Uppalapati Raghavaswami S/o. Subbaiah
Kammapalem, Ongole Prakasam Dist
12 Katragaddas Sreenivasa Rao S/o. Chiranjeevi Rao
Kammapalem, Ongole Prakasam Dist
13 Mannam Venkateswarlu S/o. Tirupathi Swamy
Kammapalem, Ongole Prakasam Dist
14 Bollaneni Venkata Narasimham S/o. Ramaiah
Kammapalem, Ongole Prakasam Dist
15 Maddineni Sreehari S/o. Venkateswarlu
Kammapalem, Ongole Prakasam Dist
16 Jagarlamudi Rajeswari W/o. Peraiah
Kammapalem, Ongole Prakasam Dist
17 B.Anju Babu S/o. Venkata Narsimhulu

..... PETITIONERS

AND

1 The District Collector, Ongole, Prakasam Dist.
2 The Revenue Divisional Officer, Ongole, Prakasam Dist.
3 The Mandal Revenue Officer, Ongole.
4 The Commissioner Land Administration,
Government of A.P., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order more especially one in the nature of writ of mandamus declaring the action of the respondents 1 to 3 in demolishing the houses and taking possession of the individual extents of Ac.0.05 cents each of the petitioners situate at TS.No.1137 ward No.5, Block No.17 which is called as Dharavari Kunta, Ongole Town, Prakasam District, pending RC.No.BCW 3/89/2004, Dt.22/4/2004 as illegal, arbitrary, capricious and against the principles of natural justice and consequentially stay all further proceedings in Rc.No.E.3/1002/2003, Dt.3/08/2003 issued by the 1st respondent, including the demolition and eviction of the petitioners respective houses in TS.No.1137 Ward No.5, Block No.17 which is called as Dharavari Kunta, Ongole Town, Prakasam District.

Counsel for the Petitioners: MR.RAVI SHANKAR JANDHYALA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.9379 OF 2004

ORDER:

One Dhara Sankara Sastry and fifty eight others (including the petitioners herein) filed an appeal before the fourth respondent herein against the orders dated 03.08.2003 of the Joint Collector, Prakasam District, whereby and whereunder the petitioners were ordered to be evicted from land inT.S.No.1137, Ward No.5, Block No.17 of Ongole town. The fourth respondent by orders dated 22.04.2004, while admitting the appeal directed the Joint Collector to furnish the records and parawise remarks on the appeal, but refused the prayer made by the petitioners to stay all further proceedings. It is the case of the petitioners that on 22.05.2004 respondents 1 to 3 entered the properties and demolished eight thatched houses belonging to other persons. It is also allege that the petitioners purchased an extent of Acs.0.05 each from the original assignee and constructed houses.

This Court while admitting the writ petition passed interim orders in W.P.M.P.No.12020 of 2004 dated 01.06.2004 directing that the petitioners shall not be evicted from the respective houses if they are residing as on that date. The respondents in the writ petition filed application being W.V.M.P.No.1987 of 2004 for vacating the interim orders, inter alia, contending that even before this Court passed orders on 01.06.2004, the petitioners were evicted. The fact that the appeal is pending before the fourth respondent is not denied. Though the interlocutory matters are listed, the writ petition itself is being disposed of with the consent of both the learned counsel.

Whether the provisions of A.P.Assigned Lands (Prohibition of Transfers) Act,

1977 are attracted, whether the alienations made by the original assignee in favour of the petitioners are void and whether the petitioners are entitled to seek benefit under Section 3(5) of the said Act are all matters to be considered by the appellate authority, the fourth respondent. Pending consideration of the appeal if the petitioners are evicted, they would suffer loss, which cannot be compensated in terms of money. Therefore, while ordering *status quo* as on today, the writ petition is disposed of directing the fourth respondent to dispose of the appeal preferred by Dhara Sankara Sastry and fifty eight others (CCLA's Ref.No.BCW3/89/2004) within a period of four weeks from the date of receipt of a copy of this order after giving notice of hearing to the petitioners or their duly instructed counsel.

The writ petition, with the above observations and directions, is disposed of.

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(V.V.S.RAO,J)

29.09.2004.

pln

To

1. The District Collector, Ongole, Prakasam District.
2. The Revenue Divisional Officer, Ongole, Prakasam District.
3. The Mandal Revenue Officer, Ongole.
4. The Commissioner, Land Administration, Government of Andhra Pradesh, Hyderabad.
5. 2 CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
6. 2 CD copies.